

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

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FILE: B-212832**DATE:** September 23, 1983**MATTER OF:** Kisco Company, Inc.**DIGEST:**

GAO will not consider protest that defense mobilization base policies require that a procurement should be conducted on a sole-source basis with a particular mobilization base producer of the item since the objective of GAO's bid protest function is to insure full and free competition for Government contracts.

Kisco Company, Inc., a small business, protests the issuance by the U.S. Army Armament, Munitions and Chemical Command of solicitation No. DAAA09-83-R-4740 for ammunition storage containers to prospective small business bidders who are not designated mobilization base producers of the item. For the reasons that follow, we dismiss the protest.

According to Kisco, the Army has limited competition for this item to mobilization base producers since 1976 in accordance with Defense Acquisition Regulation § 3-316. Kisco recognizes that the only other firm in the mobilization base for this item may no longer be an available supplier, but argues that in view of Kisco's excess production capacity and the limited quantity being solicited, any broadening of competition is inconsistent with the policies governing the Army's industrial preparedness program. Kisco further contends that it would be arbitrary in this case for the Army to require competition simply because of the potential sole-source situation, because there are other mobilization base items which are procured on a sole-source basis. Finally, Kisco questions whether non-mobilization base producers will be able to meet the stringent schedule requirements in the solicitation.

We have recognized the right of Defense agencies to limit competition, or even restrict award to a single firm within a designated mobilization base, in appropriate circumstances. National Presto Industries, Inc., B-195679, December 19, 1979, 79-2 CPD 418. We are, however, unaware

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of any decision of this Office requiring such a result and none has been cited by the protester. In this regard, we will not review a protest that an agency should award a contract on a sole-source basis since the objective of our bid protest function is to insure full and free competition for Government contracts. Ingersoll-Rand, B-206066, February 3, 1982, 82-1 CPD 83; Gentex Corporation, B-212022, June 17, 1983, 83-1 CPD 666. The fact that other producers may have been unsuccessful in past attempts to produce this item does not alter this conclusion. Gentex Corporation, supra.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel